REMARKS

Claims 1-11 are pending. By this Amendment, claims 1 and 8 are amended.

Claim Rejections – 35 U.S.C. § 103

Claims 1-7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gunsch (U.S. Publication No. 2003/0117261), in view of Losey et al. (EP1101670). Claims 8-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Gunsch in view of Losey et al., and in further view of Murakami et al. (U.S. Patent No. 6,281,599).

Gunsch discloses configuring a wireless key fob to recognize users using fingerprint readings and providing different levels of access for each user. Different vehicle functions, such as lock/unlock, and trunk access, for example, can be configured in the key fob specific to each user. The valet mode in Gunsch involves overriding the authentication means to provide temporary access to users that have not been pre-authorized.

In contrast to the device disclosed in Gunsch, the electronic key in claims 1 and 8 includes a restriction information generation device that generates specific code corresponding to the operation restriction information registered in the electronic key, and the electronic key wirelessly outputs the specific code corresponding to the operation restriction information registered in the electronic key regardless of what person is carrying the electronic key.

In Gunsch, when a user attempts to perform an operation, the universal transmitter checks the user's identification using the fingerprint scanner, and determines whether that user is authorized to perform the attempted operation. If the user is not authorized, the universal transmitter simply does not transmit the requested command. See, e.g., Fig. 7B of Gunsch. The

universal transmitter in Gunsch does not "generate" restriction information for wireless transmission, as claimed in claims 1 and 8. Further, Gunsch does not describe outputting the specific code corresponding to the operation restriction information registered in the electronic key regardless of what person is carrying the electronic key, as claimed in claims 1 and 8.

Losey et al. discusses a vehicle-based controller in which different levels of security, such as access to accessories, can be configured via an interface. The controller responds to different authorization codes according to the *controller's* configuration. Authorization codes are transmitted by signaling devices, and a signaling device can selectively provide more than one authorization code. The Losey et al. system permits security to be configured in the vehicle-based controller.

The selectable authorization code output by the signaling device may correspond to certain known access permissions, but these access permissions are defined in the vehicle-based controller, and not in the signaling device. Therefore, Losey et al. also fails to describe a restriction information generation device *in the electronic key* that generates restriction information for wireless transmission, as claimed in claims 1 and 8. Instead, Losey et al. discloses configuring the vehicle-based controller to respond to different transmitted authorization codes, without any teaching of transmission of restriction information from the signaling device to the controller.

Applicant respectfully points out that no combination of Gunsch, Losey et al., or Murakami et al. can provide the benefits of the invention claimed in claims 1 and 8. For instance, in the arrangement of claim 1, the electronic key wirelessly outputs the specific code corresponding to the operation restriction information registered in the electronic key regardless

of the person carrying the electronic key. That is, the electronic key wirelessly outputs the specific code even if the electronic key is being held by an unregistered third person, such as a valet parking attendant. This configuration allows the vehicle owner to lend the electronic key configured with only a reduced number of available functions to an unregistered third person. In this case, it is not necessary for the vehicle owner to perform additional operations, such as a new user registration (as would be the case with the system of Gunsch) or a restriction mode selection in the vehicle (as would be the case with the system of Losey et al.).

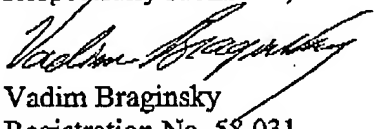
In view of the above, not all elements present in either of claim 1 or claim 8 are taught or suggested by any combination of Gunsch, Losey et al., or Murakami et al. Therefore, a *prima facie* case for obviousness has not been made, and cannot be maintained with respect to claims 1 and 8 on the basis of these references. Since each of dependent claims 2-7 and 9-11 further limits its respective base claim, these claims are also believed to be allowable. Withdrawal of the § 103 rejections is respectfully requested.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Vadim Braginsky
Registration No. 58,031

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 252-1542